

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHRISTINA FLORES,	:	
	:	DOCKET NO.:
Plaintiffs,	:	
	:	CIVIL ACTION
vs.	:	
	:	COMPLAINT AND JURY DEMAND
PARADISE TRIPS, LLC, JAMES JOHNS,	:	
RUSH ENTERPRISES, INC., RUSH TRUCK	:	
LEASING INC., PACCAR INC., PACCAR	:	
LEASING CORPORATION, JOHN DOE 1 –	:	
10 (fictitious Name), ABC CORP. 1 – 10	:	
(fictitious Name)	:	
	:	
Defendants.	:	

Plaintiff, by and through his attorneys, The Law Offices of Joseph Monaco, P.C., by way of Complaint against the Defendants, states as follows:

PARTIES

1. Plaintiff CHRISTINA FLORES is an adult individual and a citizen of the State of Pennsylvania, who presently resides at 7108 Tulip Street, Philadelphia, Pennsylvania 19135.

2. Defendant PARADISE TRIPS, LLC, upon information and belief, is a Texas limited liability corporation with a principal place of business located at 125 Glass Mountain Road, Saint Helena, California. JAMES JOHNS

3. Defendant JAMES JOHNS is an adult individual and upon information and belief is a citizen of the State of Tennessee, with an address of 1830 Edwards Branch Road, Flag Pond, TN.

4. Defendant RUSH ENTERPRISES, INC., upon information and belief, is a

Texas corporation with a principal place of business located at 555 IH-35 South Suite 500, New Braunfels, Texas.

5. Defendant RUSH TRUCK LEASING INC., upon information and belief, is a Texas corporation with a principal place of business located at 6300 N Loop E Fwy, Houston Texas.

6. Defendant PACCAR INC, upon information and belief, is a Delaware corporation with a principal place of business located at 777 106th Avenue N.E., Bellevue, Washington.

7. Defendant PACCAR LEASING CORPORATION, upon information and belief, is a Texas corporation with a principal place of business located at 777 106th Avenue N.E., Bellevue, Washington.

JURISDICTION AND VENUE

8. Plaintiff seeks an amount in controversy in excess of \$75,000.00, exclusive of interest and costs.

9. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332 because there is complete diversity of citizenship between the parties, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Plaintiff's injuries/damages include, *inter alia*, decompressive laminectomy at L5; bilateral lateral fusion at L5 to S1; posterior lumbar interbody fusion at L5 to S1; placement of intervertebral cages at L5-S1; placement of pedicle screw rod fixation at L5-S1; with multiple bone grafts.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b)(2) as

a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

FIRST COUNT
NEGLIGENT OPERATION

11. On or about March 29, 2022, Plaintiff, CHRISTINA FLORES, was seated in the driver's seat in a certain Honda motor vehicle that was lawfully parked on Bergen Turnpike in the Township of North Bergen, County of Hudson and State of New Jersey.

12. On or about March 29, 2022, Defendant, JAMES JOHNS, was the operator of a certain motor vehicle, owned by Defendant, RUSH ENTERPRISES, INC. and/or RUSH TRUCK LEASING INC. and/or PACCAR INC. and/or PACCAR LEASING CORPORATION, which motor vehicle was connected to a trailer, that was traveling on Bergen Turnpike in the Township of North Bergen, County of Hudson and State of New Jersey.

13. On or about March 29, 2022, RUSH ENTERPRISES, INC. and/or RUSH TRUCK LEASING INC. and/or PACCAR INC. and/or PACCAR LEASING CORPORATION leased said vehicle and/or trailer to the employer of JAMES JOHNS, defendant PARADISE TRIPS, LLC.

14. At all times relevant JAMES JOHNS operated said vehicle and/or trailer in the scope and course of his employment with PARADISE TRIPS, LLC.

15. Defendants, RUSH ENTERPRISES, INC. and/or RUSH TRUCK LEASING INC. and/or PACCAR INC. and/or PACCAR LEASING CORPORATION and/or PARADISE TRIPS, and/or LLC JAMES JOHNS, did so negligently and carelessly own, operate and/or maintain their aforesaid motor vehicles, so as to cause same to collide with the vehicle in which

Plaintiff, CHRISTINA FLORES was lawfully parked.

16. As a direct and proximate result of the negligence of Defendants, RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC., PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC and/or JAMES JOHNS, as aforesaid, Plaintiff, CHRISTINA FLORES, was caused to sustain and did sustain serious and permanent personal injuries requiring the care and treatment of physicians, hospitalization and medication and has been and will in the future continue to be hampered in her daily routine.

WHEREFORE, Plaintiff, CHRISTINA FLORES, demands judgment against Defendants, RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC., PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC and JAMES JOHNS, jointly, severally or, in the alternative, in the amount of his damages, together with interest and costs of suit.

SECOND COUNT
VICARIOUS LIABILITY

17. Plaintiff repeats all prior allegations as if set forth verbatim herein.

18. At all times hereinafter mentioned, defendants RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC., PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC, ABC CORPS 1-10 and JOHN DOE 1-10 were motor carriers, hidden motor carriers, container owners, trailer owners, receivers, shippers or brokers, legally responsible by contract and/or regulations and/or applicable law for the trailer and any container being transported by defendants RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC., PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC and JAMES

JOHNS as described in the FIRST COUNT.

19. At all times defendant JAMES JOHNS was an agent, and/or statutory employee of defendants RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC., PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC, ABC CORPS 1-10 and JOHN DOE 1-10.

20. At all times, defendants RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC., PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC, ABC CORPS 1-10 and JOHN DOE 1-10 were responsible for all actions taken by defendant JAMES JOHNS and required to comply with the Federal Motor Carrier Safety Regulations and New Jersey motor vehicle statutes as codified in title 39.

21. Defendants RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC., PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC, ABC CORPS 1-10 and JOHN DOE 1-10 are vicariously liable for defendant JAMES JOHNS.

22. As a direct and proximate result of the negligence of Defendants, RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC., PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC, ABC CORPS 1-10 and JOHN DOE 1-10 as aforesaid, Plaintiff, CHRISTINA FLORES, was caused to sustain and did sustain serious and permanent personal injuries requiring the care and treatment of physicians, hospitalization and medication and has been and will in the future continue to be hampered in her daily routine.

WHEREFORE, Plaintiff, CHRISTINA FLORES, demands judgment against Defendants, RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC., PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC, ABC CORPS 1-10 and

JOHN DOE 1-10 jointly, severally or, in the alternative, in the amount of his damages, together with interest and costs of suit.

THIRD COUNT
NEGLIGENT ACTIONS/NEGLIGENT SELECTION

23. Plaintiff repeats all prior allegations as if set forth verbatim herein.

24. At all times hereinafter mentioned, defendants RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC., PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC, ABC CORPS 1-10 and JOHN DOE 1-10 were negligent in their actions with regard to the subject transportation, including but not limited to route selection, selection of a motor carrier, allowing an unregistered truck and/or trailer to operate on the roads, allowing a fraudulent license plate to be attached to the trailer while operating on the roads, selection and screening of drivers including driver qualification requirements under the Federal Motor Carrier Safety Regulations, and conspicuity and marking of the subject container.

25. As a direct and proximate result of the negligence of Defendants, RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC., PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC, ABC CORPS 1-10 and JOHN DOE 1-10 as aforesaid, Plaintiff, CHRISTINA FLORES, was caused to sustain and did sustain serious and permanent personal injuries requiring the care and treatment of physicians, hospitalization and medication and has been and will in the future continue to be hampered in her daily routine.

WHEREFORE, Plaintiff, CHRISTINA FLORES, demands judgment against Defendants, RUSH ENTERPRISES, INC., RUSH TRUCK LEASING INC., PACCAR INC.,

PACCAR LEASING CORPORATION, PARADISE TRIPS, LLC, ABC CORPS 1-10 and JOHN DOE 1-10 jointly, severally or, in the alternative, in the amount of his damages, together with interest and costs of suit.

Plaintiff demands a trial by jury on all counts.

Dated: Oradell, New Jersey
December 5, 2023

Respectfully submitted;

THE LAW OFFICES OF
JOSEPH MONACO

By: Joseph D. Monaco J.D.

800 Kinderkamack Road
Suite 202 South
Oradell, New Jersey 07649
jmonaco@monaco-law.com